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Attorney Docket No. 46342/55862

1646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Watanabe et al.

Art Unit: 1646

U.S.S.N: 09/831,758

Examiner: J. Ulm

FILED: May 11, 2001

FOR: NOVEL G PROTEIN-COUPLED RECEPTOR PROTEIN, ITS DNA AND
LIGAND THEREOF

#14
JGJ
3/18/03

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 February 24, 2003.

By:

Kathryn A. Piffat Ph.D.
Kathryn A. Piffat, Ph.D.

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement of January 23, 2003, Applicants hereby elect Group II, which presently includes claims 1-7, 20 and 21, in so far as they are drawn to a polypeptide comprising the amino acid sequence presented in SEQ ID NO:8, and fragments thereof.

Applicants note that the Examiner has stated that claims 3-7, 10-15, 17-21, 30-34, 36, and 37 are generic to a plurality of disclosed patentably distinct species of partial peptides. Applicants hereby elect the partial peptide having amino acid residues 81 (Met) to 92 (Phe) of SEQ ID NO:8.

The above election of Group II changes the inventorship to the following inventors, all of whom were named in the original application: Shuji Hinuma, Shoji Fukusumi, and Ryo Fujii.

The present election is made solely to comply with the restriction requirement set forth in the Office Action. It should not be construed as a disclaimer or surrender of any subject matter in the application. The right to file one or more divisional applications on the non-elected claims is reserved.

Applicants submit a Supplemental Preliminary Amendment herewith in response to the Examiner's objections to the claims.

The Examiner has objected to claims 16, 18, 22-27, 35, and 38-44 under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim and must depend from other claims in the alternative only.

The Examiner has objected to claims 2, 9, 29, 32, and 37 as reciting an improper Markush Group. Applicants have amended claim 2 in the Supplemental Preliminary Amendment filed herewith.

The Examiner has objected to claims 3-15, 17, 19, 30-34, 36, and 37 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have amended claims 4-6 in the Supplemental Preliminary Amendment filed herewith.

Applicants have elected Group II (claims 1-7, 20 and 21). The Examiner objected to claim 2 as reciting an improper Markush group. Claim 2 has been amended to select SEQ

ID NO:8. However, Applicants respectfully disagree with the Examiner's objection. As noted throughout the features of SEQ ID NO:8, SEQ ID NO:14, SEQ ID NO:18, SEQ ID NO:33, and SEQ ID NO:50 share a common utility and substantial structural features (i.e., they are homologous or related amino acid sequences predicted from DNA sequences isolated from mammals).

The Examiner objected to claims 3-7 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant respectfully disagrees.

Claim 3 is directed to a **partial** peptide of the polypeptide of claim 1. This element further limits the subject matter of claim 1 to a peptide that is less than a full-length peptide. With respect to claim 3, Applicants respectfully traverse the Examiner's objection. Applicants submit that this claim already fulfills the requirements of 37 CFR 1.75(c) and maintain that this claim is already in a condition for allowance.

With respect to claims 4-6, Applicants respectfully submit that the Examiner's objection has been accommodated by the amendments to these claims and maintain that these claims are now in a condition for allowance.

Applicants believe that no request for an extension of time is required, because this Response is being filed within the specified one (1) month period. If any extension of time is needed, applicants hereby conditionally petition for an extension of time to provide for the possibility that the need for such a petition has been inadvertently overlooked.

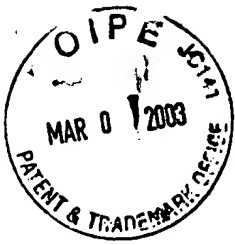
Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

Respectfully submitted,

Kathryn A. Piffat, Ph.D.

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SUPPLEMENTAL PRELIMINARY AMENDMENT

Please amend the above-referenced U.S. National Phase Application as follows.
Marked copies of the revisions have been provided in the attached Appendix I.

In the Claims:

Applicants have elected claims 1-7, 20, and 21 as Group II in the Response to the Election/Restriction Requirement.